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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° prev. doc.:	WK 4432 2021 INIT
Subject:	Presidency non-paper - Package outline on the revised Eurovignette Directive - RO comments on WK 4432 2021 INIT

Delegations will find, attached, written comments from **Romania** on the above-mentioned document.

**RO position on negotiating package Eurovignette
WK 4432/2021**

**I. Vignettes
HDVs**

- Phasing out with 7-year transition period on TEN-T network
- No to new vignettes after the end of 2028 on TEN-T network
- Exemption to phasing-out and/or to introducing vignettes in duly justified cases, after COM approval of the scheme.

Duly justified cases may be where the introduction of a toll would:

- involve disproportionate administrative, investment and operating costs compared to the expected revenue, which such a toll would generate; or
- lead to the diversion of traffic with negative impacts on road safety and on public health.

LDVs

- NO to phasing-out
- new vignettes possible

Proportionality (pax cars)

- The use of the infrastructure shall be made available at least for the following periods: one week, 10 days, a month or two months or both, and a year
- The two-monthly rate shall be no more than 30% of the annual rate
- The monthly rate shall be no more than 19% of the annual rate
- The 10-day rate shall be no more than 12% of the annual rate
- The weekly rate shall be no more than 10% of the annual rate
- No mandatory daily rate
- Maintain transition period in CONS mandate (8 years)

**I. Vinete
HDV**

We would prefer a **8 years** transition period from the date of entering into force. A shorter period may be accepted if we maintain the provision regarding the exemption to phasing-out or to introduce new vignettes in duly justified cases.

We need clarification regarding the meaning of “new vignettes” for the following cases:

- Now, we have 1, 7, 30 days and 12 months; the proposal is 1, **10 days**, 1 and **2 months**, 1 year.
- The values for partial vignettes is modified
- In RO, the vignettes are related to EURO class. If we change the principle, are these new vignettes?
- If a vehicle class is divided in 2 or more sub-classes, with different tariffs, or merging different existing classes?

LDVs

RO would prefer to have no time limitations for maintaining or introducing vignettes for the light vehicles. We should also bear in mind the administrative costs for installing and operating the electronic systems.

In this respect, we need higher values for the partial vignettes: 45% for 2 months, 25% for 1 month. We accepted **for compromise**, the values from the COREPER text. **We can't afford to go under these thresholds.**

In addition, we shouldn't have a mandatory daily rate and we should keep the 8 years transition period.

<p>Proportionality (LCVs and minibuses)</p> <ul style="list-style-type: none"> - "Shall" instead of "may" for setting at least twice higher vignette prices - Stricter proportionality requirements for LCVs exceeding 2.5 tonnes, in line with Article 7a(2) - 5-year transition period, i.e. as from 1 January 2026 	<p>Proportionality (LCVs and minibuses)</p> <p>It is not clear what “stricter proportionality requirements” we are talking about. Pursuant to art. 7a (2) and (3), MS are responsible for charging. In par. (3) we already have the possibility to make a difference between LDV and cars.</p> <p>We do not support a new category 2,5-3,5 t related to operations; this is not a correct approach. Up to now, the different categories of vehicles were linked to 3.5 t threshold. The users pay principle is better implemented if we don’t consider the quality of the user (private or not).</p>
<p>II. VARIATIONS CO2 VARIATION</p> <ul style="list-style-type: none"> - Article 7g-a as in CONS mandate, except paragraph 3a (i.e. vehicles operated without CO2 emissions in a verifiable manner) - Article 2 and 3 of the amending Directive as set out in CONS mandate <p>VARIATION BASED ON ENVIRONMENTAL PERFORMANCE - LDVs</p> <ul style="list-style-type: none"> - No mandatory regime for cars - No mandatory regime for LCVs and minibuses until the end of 2025.3 <p>The Member States would be required, from 2026, to vary tolls and at least the annual user charge for LCVs and minibuses according to the environmental performance of the vehicle. The scheme provided in Article 7ga and Annex VII would be indicative.</p> <p>The Member States that choose to apply a different scheme would have to justify their choice and notify the Commission. However, as already set out in the CONS mandate, the Member States may choose to apply reductions to zero-emission vehicles only, without applying any variation to other vehicles and without notifying the Commission.</p>	
<p>III. EXTERNAL COST CHARGE HDVs</p> <ul style="list-style-type: none"> - Mandatory external cost charging for air pollution - Exemption in case of unintended consequences for diversion of traffic, after notifying COM (as in Article 7g(2)(iii)) - Review OR sunset clause related to the option to charge for CO2 as external cost: <ul style="list-style-type: none"> o If sunset clause: Member States shall cease to apply an external cost charge for CO2 emissions if the external cost of CO2 emissions is addressed by harmonised fuel taxes including a carbon component, or if road transport is covered by an emission trading system; 	<p>III. EXTERNAL COST CHARGE HDVs</p> <p>We don’t want to pre-empt the discussion on ETS or fuel taxation, this is not within the scope of this legal act.</p>

<p>o If review clause: the Commission shall, five years after the entry into force of this Directive, assess the appropriateness of the possibility to apply an external cost charge for CO2 emissions [possibility to add a recital explaining the rationale of the clause, i.e. to avoid any duplication with possible other instruments addressing the same aspect].</p> <p>LDVs</p> <ul style="list-style-type: none"> - No mandatory regim 	<p>A recital could be acceptable.</p>
<p>IV. MARK-UP</p> <ul style="list-style-type: none"> - CONS mandate in lines 299 and 308 - Ok to EP AMs in lines 302 and 305 - No to EP AM in line 308 	<p>IV. MARK-UP</p> <p>We consider that the mark-up should be agreed by MS involved in the project financed through the mark-up. Other states involved in/affected by the project may be informed. These MS may ask for information or may comment from the traffic point of view, without any veto right.</p>
<p>V. EARMARKING and REPORTING</p> <ul style="list-style-type: none"> - No to earmarking - Article 11: reporting according to EP mandate in lines 515 to 537 - Frequency of the report: every 3 years <p>OR</p> <ul style="list-style-type: none"> - NO to earmarking in general with exemption to use (at least a part of) the revenues from a congestion charge, or the equivalent in financial value to develop sustainable transport/mobility - Article 11: reporting according to EP mandate in lines 515 to 537, without the reference to information on the quality of roads - Frequency of the report: every 3 years <p>authority</p> <ul style="list-style-type: none"> - CONS mandate in lines 495, 498, 502, 503 - DA to modify Annex VII (in line with EP AM in line 386 	<p>V. EARMARKING & REPORTING</p> <p>The use of budget is a national competence.</p> <p>We support a simplified reporting, without details regarding the use of income and infrastructure quality. We see no added value to justify all the actions proposed by EP in art. 9(2) .</p>
<p>VI. MAIN EXEMPTIONS/REDUCTIONS</p> <ul style="list-style-type: none"> - CONS EXE on concession contracts and EP AM in line 396 on board <p>OR</p> <p>CONS EXE on concession contracts and, in addition, provisions requiring the Member States to assess the possibility to apply an external cost charge for CO2 and for air pollution, where concession tolls are not varied according to Article 7g-a and to Article 7g for HDVs, and in accordance with 7ga for LCVs and minibuses.</p> <p>The result of the assessment, including a justification of the reason why the external cost charge is not</p>	<p>VI. MAIN EXEMPTIONS/REDUCTIONS</p>

<p>applied will be notified to the Commission.</p> <p>If the Member States decide to apply the external cost charge for CO2 or for air pollution, they may apply discounts on vehicles within the cleanest emission classes.</p> <ul style="list-style-type: none"> - EXE on own account operations to be drafted in line with the tachograph legislation - CONS EXE on disabled persons and sparsely populated areas <p>Please note that this option would apply outside the scope of the existing concession contracts, as part of the Member States' effort to respond to the objective of the directive without compromising the legal and economic stability of those contracts.⁵</p> <ul style="list-style-type: none"> - EP EXE on historical vehicles - EXE for vehicles <12 tonnes: CONS mandate with 4-year phasing out period (i.e. by the end of 2025) 	<p>We should avoid the discrimination in relation to the use of vehicle, type of services, place of origin, sparsely populated areas, etc. Polluter pays and user pays principles should be applied correctly, in order to avoid a shift in using other vehicles, more attractive from the charges point of view.</p> <p>We support the exemption of vehicles owned by PRMs or by their caring personnel. These persons should be registered in official databases/national registers. We should not exempt the vehicles occasionally used by these persons because the electronic/automated systems can't detect such differences.</p> <p>Flexible on historic vehicles.</p>
<p>VII. TRANSPOSITION PERIOD, IA/DA, MONITORING OBLIGATIONS</p> <ul style="list-style-type: none"> - 2-year transposition period - No to EP AM in lines 452 to 457 on MSs having to designate an independent supervisory authority - CONS mandate in lines 495, 498, 502, 503 - DA to modify Annex VII (in line with EP AM in line 386) 	<p>VII. TRANSPOSITION PERIOD, IA/DA, MONITORING OBLIGATIONS</p> <p>We don't support the designation of an independent supervisory authority.</p>